

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CASE NO. 5:12-cv-00714-BO**

LOUSHONDA MYERS, TYRE MYERS,  
and DAMEON MYERS  
In Propria Persona,

Plaintiffs,

vs.

AT&T., AT&T MOBILITY LLC,  
UNKNOWN AGENTS/EMPLOYEES OF  
AT&T INC. and AT&T MOBILITY LLC,  
UNITED STATES MARSHAL BRYAN  
KONIG, UNKNOWN AGENTS/  
EMPLOYEES OF THE UNITED STATES  
MARSHAL OFFICE IN NORTH AND  
SOUTH CAROLINA; SHERIFF STEVE  
BIZZELL, CAPTAIN A.C. FISH,  
DETECTIVE KRITCH ALLEN,  
DETECTIVE DON PATE, DETECTIVE J.  
CREECH, DETECTIVE J. CANADY,  
DETECTIVE A. CASE, CAPTAIN D.  
DAUGHTRY, LIEUTENANT STEWART,  
LIEUTENANT DANNY JOHNSON,  
DEPUTY GILLIS, DAVID HILDRETH,  
JAMES GERELL, UNKNOWN  
OFFICERS/EMPLOYEES OF THE  
JOHNSTON COUNTY SHERIFF'S  
OFFICE, BRANCH BANKING AND  
TRUST (BB&T CORPORATION)

Defendants.

**MOTION TO STRIKE ALL MENTION  
OF TYRE MYERS, DAMEON MYERS,  
AND MINOR PLAINTIFFS AND DISMISS  
ALL CLAIMS AGAINST DEFENDANT  
BRANCH BANKING AND TRUST**

NOW COMES Defendant Branch Banking and Trust ("BB&T"), by and through its undersigned counsel, and moves the Court pursuant to Rules 11(a) and 12(b)(6) of the Federal Rules of Civil Procedure to strike from the pleadings all mention of Tyre Myers, Dameon Myers, and the minor children as parties and to dismiss all claims against BB&T.

In support of this Motion, BB&T states that Plaintiff, as a *pro se* litigant, is unauthorized to sign the Amended Complaint on behalf of other plaintiffs and has failed to state a claim upon

which relief can be granted. As a result, BB&T is entitled to judgment as a matter of law on all of Plaintiffs' claims. The reasons supporting BB&T's Motion are set out in more detail in its Brief in Support of Motion to Strike and Dismiss filed contemporaneously.

WHEREFORE, BB&T respectfully request the Court as follows:

1. That the Court grant Defendant's Motion to Strike all mention of the minor plaintiffs and to dismiss all claims against Defendant BB&T.
2. That BB&T have and recover such other and further relief as the Court deems just and proper.

Respectfully submitted this the 26th day of August, 2014.

**POYNER SPRUILL LLP**

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ATTORNEYS FOR DEFENDANT  
BRANCH BANKING AND TRUST

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that I have this day served a copy of the foregoing by depositing a copy thereof in an envelope bearing sufficient postage in the United States mail, addressed to the following person at the following address which is the last address known to me:

Loushonda Myers  
27 Wateree Trail  
Georgetown, SC 29440  
*Pro se Plaintiff*

This the 26th day of August, 2014.

s/ Daniel G. Cahill  
Daniel G. Cahill